

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE DAMAGES FOR WRONGFUL DISCHARGE BY
5 REMOVING LIMITATIONS ON DAMAGES; AMENDING SECTION 39-2-905, MCA; AND PROVIDING AN
6 APPLICABILITY DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 39-2-905, MCA, is amended to read:

11 **"39-2-905. Remedies.** (1) If an employer has committed a wrongful discharge, the employee may be
12 awarded lost wages and fringe benefits for a period not to exceed 4 years from the date of discharge, together
13 with interest on the lost wages and fringe benefits. ~~Interim earnings, including amounts the employee could have~~
14 ~~earned with reasonable diligence, must be deducted from the amount awarded for lost wages. Before interim~~
15 ~~earnings are deducted from lost wages, there must be deducted from the interim earnings any reasonable~~
16 ~~amounts expended by the employee in searching for, obtaining, or relocating to new employment.~~

17 (2) The employee may recover punitive damages otherwise allowed by law if it is established by clear
18 and convincing evidence that the employer engaged in actual fraud or actual malice in the discharge of the
19 employee in violation of 39-2-904(1)(a).

20 ~~(3) There is no right under any legal theory to damages for wrongful discharge under this part for pain~~
21 ~~and suffering, emotional distress, compensatory damages, punitive damages, or any other form of damages,~~
22 ~~except as provided for in subsections (1) and (2):"~~

23
24 NEW SECTION. **Section 2. Applicability.** [This act] applies to wrongful discharges occurring after [the
25 effective date of this act].

26 - END -